

NOVEMBER 6, 2001/LE 6 NOVEMBRE 2001

CRA

Quid Novi

McGill University, Faculty of Law
VOLUME 22, NO. 7

insert

image

here

In this Issue

ALL KINDS OF STUFF

- 3 Harvey at the Bat
- 4 Who Invited the Suits?
- 7 Remembrance Day Quiz
- 8 Bridget Jones
- 9 Chico Resch I
- 10 Avis: Africa World
- 11 VP External
- 11 Ethelred
- 12 Women's Rights
- 13 ICC
- 15 Tales from the Barreau
- 16 AML Workshop Notice
- 17 2nd Years to NYC Firms
- 17 Chico Resch II
- 19 Chess Corner

MEAN STUFF

- 20 Targeting Error
- 20 Palestine
- 21 Alain Calls it Flatulent Claptrap
- 23 Alain Calls it Fatuous Nonsense

OTHER

- 24 CPO Newsletter
- 24 Yes, it REALLY is the Solution to the Chess Problem--You see Pablo, we do love you.

Quid Novi

3661 Peel Street
Montreal, Quebec
H2A 1X1
(514) 398-4430

REDACTRICES-EN-CHEF

Rebecca Hare and
Marta Juzwiak

MANAGING EDITOR

Kristine Doederlein

ASSOCIATE EDITORS

Joe Mik
Wanda Simek
Rosalie-Anne Tichoux Mandich

LAYOUT EDITOR

Nancy Charbonneau

ASSISTANT LAYOUT EDITOR

Fabien Fourmanoit

WEB EDITOR

Adam Allouba

COVER ARTIST

Dennis Galiatsatos

Quid Novi is published weekly by the students of McGill University, Faculty of Law. Production is made possible through the direct support of the students.

All contents copyright 2001
Quid Novi.

Les opinions exprimées sont propres aux auteurs. Toute contribution doit indiquer l'auteur et son origine et n'est publiée qu'à la discretion du comité de redaction.

Les articles peuvent être envoyés au
quid_novi@hotmail.com.

quid_novi@hotmail.com

Editor's Note

Dear all,
Well, the *Quid* is back. It's not perfect but at least you've got something to read during class.

Over the last few weeks, we received many submissions and we really, really wanted to publish all of them. Unfortunately, the power-brokers at hotmail had different ideas. Numerous submissions got deleted from our account. So, if you sent something and it doesn't appear in this issue, rest assured that we aren't censoring your words - hotmail is doing that for us. Please resubmit and we will publish your submission in the next issue because, really, it's all about submission.

I LOVE HARVEY AUERBACK. I LOVE HARVEY AUERBACK. I LOVE HARVEY AUERBACK. I LOVE HARVEY AUERBACK. I LOVE HARVEY AUERBACK.

REBECCA.

Harvey At The Bat

by Jeremy Waiser, Law III

Heroes and Goats. Baseball lore is full of them. Heroes like Carlton Fisk, Kirk Gibson, Joe Carter. Goats like Ralph Branca, Mitch Williams, and the King Chevre himself, Bill Buckner. We cheer them and jeer them, praise them and curse them. But few of us amateurs ever get the chance to be the hero – or the goat. Last Saturday, on a golden-dipped fall afternoon, Harvey Auerback got that chance.

The setting was the Malpractice Cup. Wait, you say. You must be joking. The Malpractice Cup? Well, yes. It was not the World Series. It wasn't even Little League. In truth, it wasn't even baseball, it was that most emasculated version of the great game; softball. But hold your skepticism, dear readers, for you haven't yet heard the tale.

As per recent tradition, Law was pounded the morning of the game in a variety of sports by the faster, heftier Med team. Their men were large. Their women large and *in charge*. The odds of a win in soccer or any of the other late afternoon post-softball contests were slim indeed. All who were there, and there were considerable fans from both squads, knew that in order to have any hope at the Cup, Law would need to take the softball.

Nothing focuses the mind quite like a hanging and Law raced out to an early lead. Stellar defensive play from second baseman Peter Wright kept the Meds off the basebaths, while some strategic hitting to Med's portly left-fielder put runs on the board. The tally stood at 3-0 Law after two innings.

The game was scheduled for six innings and looked to be all sewn up after Dick Martz, making a one-time plate appearance, clobbered a 2-

run shot to centre. "It's an easy game" he was heard to say after crossing the plate. The Meds, however, were not about to roll over like so many cadavers. What's more, they were starting to chafe at Auerback's clever and persistent taunting from the field: "We want a batter, not Margaret Thatcher!" They scored three in the top of the fourth.

Going into the top of the sixth, Law was clinging to a two-run lead. Two runs should have been enough. But they weren't. With two outs and victory lingering deliciously in our mouths, a Med batter made it to second on a throwing error. The next batter up smashed a drive straight past Pascale Bergeron at shortstop. The man on second scored easily. The batter chugged hard, rounding second as Law's outfielders clamored for the ball. The relay from Steve Panuto was on target, but a whisper too late, as the tying run whisked by the outstretched glove of catcher Waiser.

In an instant, our spirits sunk. Momentum was theirs. The Med fans were a joyous chorus. 6-6. Still one out left. The once cherry-sweet taste of triumph now tasted of sour prunes in our throats. It took a heads up snag and throw from Wright to first baseman Adrian Belanger to get us out of the inning.

Bottom of the sixth. Now was our chance to end the game. We needed one measly run. But that was one more than we'd managed in the last three innings. Without a run we faced extra innings and the prospect of having to shut down a Med lineup riding the Big Mo. Kathryn Yung stepped to the plate, but ended the day 1 for 2 on a weak hit to short and

was thrown out easily at first. One down. Bergeron gave the Law fans reason to cheer by running out a grounder to third and beating the throw by a step-and-a-half. Next up was Waiser who swiftly dinked one direct to second, leaving no chance for Bergeron to get there in time. We were down to our final out.

The batting order called for Auerback and he stepped from the safety of the on-deck circle and strode toward the plate, his bat resting gingerly against his right shoulder. Perhaps the best description

Baseball is a cruel game.
It makes tearful
boys out of grown men.

of the situation would not be "he struck an imposing figure." In the Law dugout, nervous eyes glanced back and forth at each other. The fate of the team – nay the entire school – lay in Harvey's hands.

Harvey dug in, choked up an inch on the bat and waited, deep in his stance, for the first pitch to arrive. It did and Harvey swung. He missed by a good two feet. Over on first, Waiser swallowed hard. We're doomed, he thought. The batter backed off, knocked the dirt off his sneakers and dug in again. Another pitch and another huge whiff. Harvey's follow-through caused his body to enter into a Tasmanian Devil-like spin in the dust.

This was it. Bottom of the sixth, tie-game, two outs, runner on first, and two strikes. The fans on the sidelines fell quiet. Auerback dug in and squinted a little against the sun. The pitch came and he swung.

Baseball is a cruel game. It

makes tearful boys out of grown men. It puts one man in the spotlight when the game must either be won or lost. One man at the plate with a bat in his hands must decide the matter, when the outcome is really determined by two whole teams over the course of the entire game. To be faced with this glory or despair is to face the ultimate challenge of the game, and what really matters is having the guts just to swing at all. In this situation, no one should be blamed for swinging and missing.

But Harvey did not miss. He connected. In fact, Harvey swung smoothly, sweetly from shoulder

through hip and belted the ball with authority. It screamed like a rocket high over the second baseman's head. It sailed into centrefield, over the retreating Med fielder, landed and rolled further still. Waiser was already halfway to third by the time the ball was reached. The throw would not be in time. He stomped on the plate to a thunderous cheer and turned to run back to the hero. In a moment, Harvey was engulfed in a sea of joyous law players and fans. "Harvey! Harvey! Harvey!" went the chant. They lifted him up onto their shoulders and carried him off the field.

It turned out that the softball victory was the deciding factor in the Malpractice Cup, Law having been diligently thrashed in the afternoon's clashes but victorious in the evening's trivia and drinking battles. The trophy came home to Law for the first time since any current students have been around.

There is joy again in Mudville, for Harvey, mighty Harvey, knocked the cover off the ball. Hell of a blast my man, hell of a blast.

Who Invited the Suits? – Part II

by Sean Rehaag, Law II

This summer, I took a course on socialization processes, taught by an instructor who specializes in the construction of identities among members of subcultures. Feeling that our little community here is very much a subculture (some might go so far as to describe it as a cult), I decided to write my term paper for the course about the socializing effects of law schools. Being a long-haired BC hippie type (now, alas, minus the hair) who used to bring books by Karl Marx with me to my rather conservative catholic high school, and who is now going through the disconcerting process of attempting to secure summer employment with New York corporate firms, I was particularly interested in what happens to students' social justice commitments during their legal education.

It turns out that many social scientists started to get interested in the same question when law schools began to capture the interest of the public after books and movies such as *The Paper Chase* depicted elite schools as ultra-stressful pressure

cookers that essentially brainwash their students into becoming mindless corporate drones. While, obviously, the authors of these fictional works took a great deal of artistic freedom in exaggerating the degree of draconian maliciousness of those who run faculties of law – whoever scheduled taxation at 8:00 in the morning must be at least a little bit malicious – a general consensus has emerged among social scientific scholars that law students' identities do indeed undergo shifts during their 3 (or 3 _ or 4) years of school.

One author who canvassed dozens of other studies estimates that approximately 35% of students enter law school intending to do public interest work¹ when they graduate. By the end of first year that percentage has dropped to 20%. By the time students choose their first full-time legal job, to 10% (Stover, 1989: 13). In top schools such as Harvard the numbers are even more dramatic: 60% on entry, 5% after three years (Cahill, et. al., 1996: 851-2). So, what exactly is going on in these schools? Naturally, everyone who looks at the question seems to come up a different set of answers. If any

of you are interested, Stover's *Making it by Breaking it*, has a fairly extensive bibliography which includes most of the major positions – and the book is worth a reading just for the fun little law school anecdotes.

Now, our illustrious president, Eric Gilman, suggested a while back that we should have a little talk in our faculty about corporate sponsorship. Although quite a few researchers have suggested that corporate presence on campus is one of the reasons students' commitments to social justice work seems to erode, many students that I spoke with after I wrote an article on the subject in last year's Quid reacted with incredulity: are law students, they asked me, so easily manipulated that a free highlighter and key chain bearing a law firm logo will lead social justice activists to abandon their long-held beliefs and sign on to corporate America?

My response was, and remains, obviously not. Corporate sponsorship does not have such a simple or extreme effect. But it does have effects, which I think we should take seriously. In particular, the

presence of law firms on campus causes a shift in the symbolic nature of our community spaces. University spaces are one of the few remaining public spaces which enjoy some small degree of autonomy from omnipresence of multi-national corporations. Like the other small number of remaining public holdouts

How can we seek to minimize the erosion of our existing public outlooks and commitments while we study here?

such as CBC-Radio, public parks, government buildings, hospitals, and public schools, these spaces are deserving of protection, if for no other reason than to provide a home for critical non-corporate identities and perspectives.

In addition to the broader political importance of protecting such communities, there is a reason more specific to our community that I feel to be even more compelling: like it or not, we are all to some degree defined by the social environments we inhabit. Many of us will probably end up working in traditional legal settings – and we will rightly become familiar with the complex moral, political and legal values that such settings tend to foster. But if we bring to those settings a strong familiarity with questions of social justice, a memory of having been part of a community which insists that our private actions be measured against larger public interests, that will help to partially shape the way that we interpret the new environments we encounter.

Every time private interests are admitted to our public spaces, we reduce the possibility that our faculty can foster such identities – instead we encourage the idea that everything is for sale to the highest bidder.

What disturbs me the most about all of this is the complacency – that we are willing to accept the idea that we cannot organize events for ourselves that do not involve corporate cash. I don't understand where that complacency comes from. We have all sorts of examples of creative alternatives to corporate

sponsorship. Last week's very successful Person's Day Coffee House, and last year's Professors' Coffee House are two excellent examples.

So, why is it that I, and so many of my friends who wrote about equality, access to justice, human rights, the environment, animal rights, and so on, in our letters of application to McGill are all thinking about traditional legal work? In the end, I don't think that's the right question (although it is a good question). Instead, I think the right question is a little bit more humble: how can we encourage all students who pass through this faculty to understand and care about the larger moral and political implications of work as a jurist, whether as social justice advocates or as corporate lawyers in mergers and acquisitions? Or even more humbly, how can we seek to minimize the erosion of our existing public outlooks and commitments while we study here?

One of the little things we can do is to give ourselves a little bit of

credit. We can organize events for ourselves that are not prefaced on law firm cash. We can give everyone who passes through this faculty the memory of having been part of a community that values itself, and that takes seriously its interaction with the larger world. We can insist there are some things, including our public spaces, which are not for sale – certainly not for the price of a few beers.

Bedtime Readings:

M. Cahill, et. al., "Law Student Idealism and Job Choice: Some New Data on an Old Question" (1996) 30 *Law & Society Review* 851-64.

R. Granfield and T. Koenig, "The Fate of Elite Idealism: Accommodation and Ideological Work at Harvard Law School" (1992a) 39 *Social Problems* 315-29.

J. Osborn, *The Paper Chase* (Boston: Houghton Mifflin, 1971).

R. Stover, *Making it and Breaking it* (Chicago: University of Illinois Press, 1989).

¹ We can quibble about how public interest work should be defined, but for the purposes of this short article, this definition will do: "Public interest practice refers to legal representation of individuals and interests who would lack adequate representation if they had to rely exclusively on their own resources" (Stover, 1989: 4).

Submit to the Quid.

submit

**to
the**

quid

Remembrance Day Quiz

by Stephen Panunto, Law II

Remembrance Day is once again around the corner. If you have not already started wearing a poppy, you will be soon – or at least, you *should* be. And if you don't know why we should still be wearing poppies, try taking this quiz. Every year, there are a plethora of surveys that show how ill-informed Canadians are about this country's military history. So please, show the historian in me that the faculty of law is more knowledgeable than the average.

1. Why don't we start off with an easy one: why do we wear poppies on Remembrance Day, and why is Remembrance Day on November 11?

2. Going back before Canada was even an independent country, what 'claim to fame' can Canada make as a result of the battle of Bladensburg?

3. What British war marked the first time Canadians formally fought overseas?

4. If you happened to be a *Le Devoir* reader in 1910, what would you most likely think of the "Tin Pot Navy"? Oh, and to give you less than a fifty-fifty chance of getting this right, please include an explanation of what this was.

5. Let's move on to the Great War. In

1917, Canadian troops captured a small but important mound in France. This victory became the symbolic coming-of-age for the still young Dominion. Name the part of France.

6. Even though it wasn't part of the dominion in 1917, let's have a question about Newfoundland. July 1st is still remembered in many parts of Newfoundland for something besides Canada Day. What is it and why?

7. Cities in Fortress North America escaped the direct attacks that most other combatant countries experienced during the World Wars – with one exception. One Canadian city experienced the same level of destruction that many European cities endured during the First World War. Which one and how did it occur?

8. Imagine you are a Canadian woman living through the Great War. What was significant about the election of 1917 – and why would many immigrants feel exactly the opposite?

9. What importance did the treaty of Versailles have for Canada?

10. How many Canadians sacrificed their living in the First World War? How many did not return in 1945?

11. The same issue almost tore the

country apart in both World Wars. What was it?

12. On a related note (hint, hint) what were you if you were called a "Zombie" during World War II?

13. We've all heard about the Statute of Westminster (thank you, Professor Scott). What theoretical and practical impact did this have on Canada's participation in the Second World War, as opposed to the First?

14. What was significant about Canada's role in the war effort between June 22, 1940 and June 22, 1941?

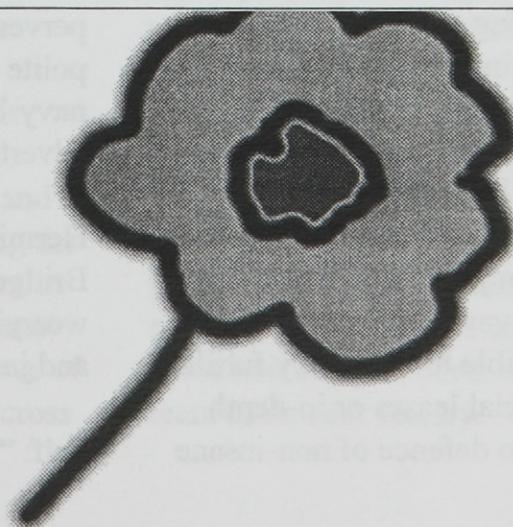
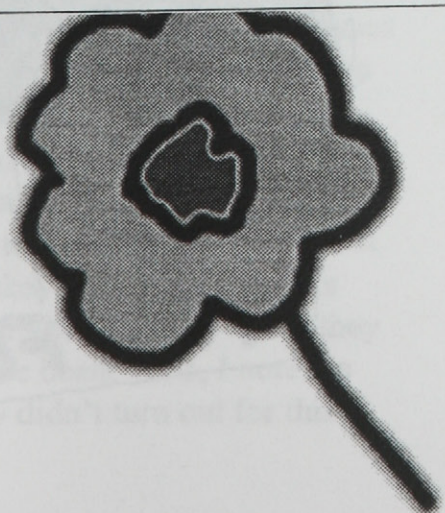
15. Before the Invasion of Normandy on June 6, 1944, the Allies made an ill-fated attempt to open a western European front on August 19, 1942. Where did this raid take place?

16. Let's end with another Canadian victory: if you were a Canadian soldier landing in Normandy, what was the code name of the beach that you landed on?

If you think you know the answers, e-mail me at

Stephen.Panunto@mail.mcgill.ca.

The 20 people with the most correct answers will get a poppy. Good luck!



Bridget Jones Goes to Law School*

by V. Henderson, Esq. & N. Lachance, Nat IV

Friday 26 October

129 lbs. (yesss!), alcohol units 6 (excellent), cases read 5 (v.g.), calories 1865 (g.), boyfriends 2 (hurrah?)

Following disastrous airing of actor bf's full frontal dramatics in television mini-series, resolved at once to stop dating exhibitionist *art nouveau*-types masquerading as well-read gentlemen (really just quoting Oscar Wilde from dog-eared copy of high school curriculum play). Cannot believe exhibitionist actor bf actually intimated that following Oscar Wilde quote sums up *my* persona: "That we should treat all the trivial things of life seriously and all the serious things of life with sincere and studied triviality."

Implication that am trivial? That should be treated trivially? Either way, does not bode well for possibility that will be taken out for nice dinner and chocolate torte for dessert.

Later on, while browsing bookstore for appropriate quote to cite in rebuttal, was approached by winsome, almost uncomfortably handsome surgical resident whom had briefly met at Malpractice Cup. Witty banter in bookstore evolved into dinner which evolved into drinks which evolved into my actually contemplating giving up happy newfound singleton status to (gasp!) date surgeon to exclusion of other men. But cannot truly know self in last year of law school if always letting self be defined by boyfriend *du jour*. Am plunging deeper and deeper into yawning emotional hole. Surely possible to be wholly fulfilled by commercial leases or in-depth research into defence of non-insane

automatism??

Met bosom friend Hermia at Ritz café to discuss her first day back at Crown office following sick leave. Armed with plate of dark chocolate truffles and dignified glass of port, was poised to defend temporary lapse in reasonable young professional woman standard. Hermia in fine form tonight, having recovered from debilitating stomach affliction and resumed post at Crown office.

Hermia: "Christ alive, Bridget. I'm so bloody thin from this boiled chicken diet, none of my Donna Karans fit me anymore. I mean, look, this skirt has gone hipster!"

Self: "Then have another chocolate. Congratulations on the plea bargains you secured today. We can all feel much safer now in ladies' room at Cours Mont-Royal."

Hermia: "Was male prostitution ring, Bridge. But thanks."

Own victories relating to walk-in clients at legal clinic pale in comparison with Hermia's career success, so delved directly into discussion re: single vs. non-single status. Naturally, Hermia defended her monogamous situation with management-side labour lawyer bf by pointing out that said bf neither emotional fuckwit, pervert nor freeloader but rather v. polite and comes with attractive new navy-blue-and-cream business card advertising his legal services.

Hermia: "For goodness sake, Bridget. Why don't you just stop worrying whether or not to be single and just open a bloody textbook."

Self: "But my exhibitionist actor bf

called me from star trailer on location. Have you ever been called from a star trailer on location by a handsome (albeit masquerading as well-read) actor?"

Hermia: "Look, Bridget — if you want to be taken seriously for self-sufficiency in single life and career élan, you have got to stop falling for the toxic non-monogamous man who calls you from his star trailer. Just because he's famous, doesn't mean he will make doting bf. After all, you do not want to be perceived as ridiculously inconsistent, thus generating further Oscar Wilde comments, in manner of Naomi bloody Wolf, who in treatise *The Beauty Myth* propounds non-compliance with traditional notions of male-imposed physical ideals, and is later photographed sandwiched between her two thesis advisors. Think about it."

* With apologies to Helen Fielding.



Chico Resch does Pino&Matteo Proud in 10-1 Win!

Okay, it took the *Chico Resch Club*, sponsored by *Pino&Matteo*, three games into the year to pick up its first 2 pts in the season. Okay, it was against a team that has yet to win a game all year. And yes, they didn't even have a "real" goalie, as one of their forwards put on the pads – hence scoring 10 goals really wasn't that hard but it sure would have given the fans something to cheer about. Heck, I picked up the easiest points of life. Picture this, Cameron (that's me) is skating down the right side of the ice, hears Sandy Khehra coming up the middle yell out, "It's a 3 on 1!". Instead of skating into their zone or making a pass to Sandy in the middle who will have more options because then he can go left or right with the pass. Cam pucks the puck in the air and rifles it to David Dixter on the far left side streaking away. The puck ends up hitting the boards in flight then takes a couple of bounces before Dave picks it up to slide it to Sandy for the easy marker. Let me tell ya' – it wasn't pretty but it counted. The comical passing game didn't stop there though as once again Cam and Dave are streaking down the ice together – this time on a 2 on 1. Cam passes to Dave – who is forced to kick it up off his skates to his stick (this actually takes some skill while you're on the fly) – then Dave passes back to Cam – who has to show the same soccer skills and kick it up to the stick to only pass it back to Dave's skates, who AGAIN has to kick it up to his stick. It was almost pretty hockey – except the passes were about 4 feet behind where they should have been. Alas, I note the fans really didn't turn out for this

game to laugh and cheer the team on to an easy win. Where were you? This law club needs your support!

The game was so easy I won't go into it much, but let me give the 3 star selections – then I'll move on and explain the hidden meaning of the *Chico Resch Hockey Club*, sponsored by *Pino&Matteo*. The third star went to me (captain cam), who picked up 1 goal and 3 ugly assists and was a +4. The second star went to Brandon Wiemer, who notched 2 goals and 3 assists and was a +5 on the night. The real hero of the hour and this reporter's early bet to be the team MVP and perhaps next year's captain was Adam Zanna. He's a force on the blue line and still comes up big on the scoreboard with a pair of goals from the point and 3 helpers on the way to his amazing +6 night.

Now, what is up with this "*Chico Resch*" thang? First of all the team is made up of only law students; however, that does include a few alumni which allows for a great transition from the old guard to the new – easy access to info by the rookies and creates a quick law school community – think of it as a law partner relationship X 15 with testosterone and beer thrown in the mix. What's with the name? – the team is named after Glenn "*Chico*" Resch who was a good NHL goalie – nothing all that special – but a competent, hard working player nevertheless. The entire team actually honours X-NHLers that were....well...average to good...throughout their career and were never even close to making the huge dollars players now receive in the Big Leagues. So to commemorate those who played for the love of the game we don their names across

our backs. I, for example wear on my back the name Smyl to honour the old Vancouver Canucks captain, who led the boys to the holy grail finals in 1982 to only be swept by Mike Bossy and the Islanders. Assistant captain, David Dixter is Kordic (did you know he died of a cocaine/steroid overdose); assistant captain Greg Webber is Nilan (another goon); Dan Gaudreault is LaBleute (who?); Dinesh Melwani is Storm (X-whaler); Sandy Khehra is Ludwig (a hard nosed Hab defenceman); Jono Kalles is Semenko (a.k.a. Cementhead); Brandon Wiemer is Tremblay (this name probably should have been vetoed – after all he was a star); John Goudy is Nylund (semi-skilled player); Antoine Legendre is McPhee (35 goal scorer for the Habs back in the day); Jason Crelinsten is Dipietro (how many games did this guy play? 8 maybe?); Greg Rickford is Glenn (a Harold Ballard D-man – enough said); Marc-Andre Sansregret is Shack (yet another Leaf, but this time he was a real entertainer back when t.v. was in black and white); Adam Zanna is McKenny (sigh...another Leafs D-man, who I think is now doing Sports broadcasting) and the man in the Pipes, Steve Panunto is Darren Pang (probably the smallest goalie to ever play in the NHL and if you know Steve, that should explain it all). So, if you recognize any names mentioned, I recommend that you come out to our next game Tuesday, Oct. 29th, 8:30, McConnell Ice Arena to cheer on the boys – after the game we will all be going to the new *Pino&Matteo* bar for the post-game beer. So, come one, come all – and take in a free game and make some noise as you cheer on your law team to its next victory.

Notice / Avis

AFRICA WORLD, A NON PROFIT YOUTH ORGANIZATION, IS CURRENTLY LOOKING FOR A VOLUNTEER SECRETARY TO WORK ON A PART-TIME BASIS (APPROXIMATELY 6 HOURS PER WEEK). THE PERSON MUST BE ABLE TO ASSIST US WITH SEVERAL CLERICAL DUTIES SUCH AS TAKING MINUTES OF THE MEETINGS, ANSWERING EMAILS (CAN WORK AT HOME) OR OTHER OFFICE DUTIES.

BASED IN MONTREAL, AFRICA WORLD'S GOAL IS TO FACILITATE ACCESS TO NEW INFORMATION AND COMMUNICATION TECHNOLOGIES (NOTABLY INTERNET) FOR AFRICAN COUNTRIES.

THIS IS AN EXCELLENT OPPORTUNITY TO WORK WITH A TRULY MULTICULTURAL AND MULTIDISCIPLINARY GROUP OPERATING IN MANY COUNTRIES.

PLEASE CONTACT:

ALPHONSE TSHILUMBA
TEL.: (514) 525-7481
ATSHILUMBA@HOTMAIL.COM

THANK YOU VERY MUCH.
ALPHONSE TSHILUMBA

AFRICA WORLD, JEUNE ORGANISME SANS BUT LUCRATIF, CHERCHE UN(E) SECRETAIRE BENEVOLE, A TEMPS PARTIEL (ENVIRON 6 HEURES PAR SEMAINE AVEC LA FLEXIBILITE DE TRAVAILLER A LA MAISON) POUR LA REDACTION DES PROCES-VERBAUX ET AUTRES TACHES DE BUREAU.

AFRICA WORLD, QUI EST BASE A MONTREAL, A POUR BUT DE FACILITER L'ACCES AUX NOUVELLES TECHNOLOGIES DE L'INFORMATION ET DE COMMUNICATION (NOTAMMENT A L'INTERNET) AUX PAYS AFRICAINS.

POUR CEUX QUI DESIRENT RELEVER DES DEFIS INTERNATIONAUX DANS UN ENVIRONNEMENT MULTICULTUREL ET PLURIDISCIPLINAIRE, CE SERAIT UNE BONNE OPPORTUNITE.

PERSONNE A CONTACTER:

ALPHONSE TSHILUMBA
TEL.: (514) 525-7481
ATSHILUMBA@HOTMAIL.COM

MERCI.
ALPHONSE TSHILUMBA

They call it the Legal Community

Boris Savoie-Doyer

V.-p. external

On behalf of the LSA

Grant McIntyre visait juste lorsqu'il a écrit dans le dernier numéro du Quid sur l'épineuse question des affirmations faites par les étudiants aux bureaux d'avocats lors des courses aux stages et emplois d'été. Travailler un été ou deux avant la fin de ses études pour une firme de Boston, New-York ou Toronto est à n'en point douter un projet intéressant sous plus d'un point vue, mais il n'en reste pas moins qu'il faut être pleinement conscient des répercussions qu'un petit mensonge peut avoir sur ses prochains avant de se le pardonner un peu trop facilement.

Students who let themselves be tempted by the let-them-for-once-be-victims-of-an-unclear-clause argument maybe secured a summer job, but they did so at a certain price. There is such a thing called the legal

community, and while I don't know just how much that is a metaphor, we all know that judges lunch with law professors, that lawyers drink with students, that senior partners advise and lobby politicians and so on. The end result is that the word spreads that some law school is producing students that can't always be trusted as to when exactly they begin to work. This is not exactly a very good addition to the reputation of future law students at this faculty.

Besides, students meeting the requirements one year will most likely still meet them a year later, so there's really no point in rushing things to that extent. It's in everyone's advantage to be fair, and at least not lie outright when it's clearly impossible for the graduation to take place within three years. Deciding on how sure one needs to be that one will graduate in three years before one tells future employers that one

will, in fact, graduate in three years will remain, I suspect, a question of personal ethics. Please remember, however, that these deceptively harmless-looking decisions may affect not only your name, but also those of your peers.

Nous n'avons pas besoin que le CPO ou la Faculté jouent à la police pour que l'on se décide à agir de façon intégrale. Jusqu'à maintenant, le problème a conservé des proportions somme toute limitées; il n'est pas trop tard pour se discipliner collectivement. De cette façon l'opprobre qui accompagnera les inévitables entorses à la vérité ne sera plus porté par la Faculté de droit de McGill, mais par les individus qui risqueront leur nom pour un travail d'été.

Ethelred the Unready Moves On

David A. Johnson, Nat IV

Recall that Ethelred the Unready was left to an enigmatic dilemma during his interview. Mr. Knickers (pronounced Kenickers), the lawyer at TLC has just posed "what is your greatest weakness?" before Ethelred's corpulent composure.

A rivulet of perspiration wove its way to his collar. Ethelred knew that he did not have much time. Surely the lawyers had to bill someone! Corrugating his brow (one fufuraceous lash of eyebrow hair

descended airily), he remembered the rigid automaton's lesson, "be proactive, not reactive". No, that was not the one as he muttered Gordon Bennett silently. After a mental lapse of seventeen seconds, Ethelred suddenly harvested "turn a negative into a positive".

Ethelred blurted out, "I'm a perfectionist and I like to see through things to the very end". Ms. Robidoux arched an eyebrow. Ethelred continued, "Not everyone understands that and it can sometimes create antagonism among your

peers." He stopped before he piled up a golden shovel full of the 'client is very important' and 'will work all night' idioms.

Mr. Knickers replied, "That is an interesting answer, Ethelred. Not everyone interviewed today seems to share your slovenly errr ... superlative dedication to the farm errr ... firm. I would like to thank you for coming out and choosing our firm. Best of luck and we hope to see to soon."

Ms. Robidoux offered her hand and coyly echoed her co-

Interested in Women's Rights in Armed Conflicts?

a notice brought to you by Vesna Guzina and Genevieve Gravel, Nat IV

McGill Working Group on Women's Rights in Armed Conflicts needs students to do or direct research and drafting of papers on issues relating crimes committed on women in Rwanda, Former Yugoslavia and other armed conflict situations.

The McGill Working Group is part of the Coalition for Women's Rights in Conflict Situations, which is sponsored by the International Center for Human Rights and Democratic Development (ICHRDD). The McGill Working Group is comprised of activists, academics, lawyers and law students concerned with the adequate prosecution of perpetrators of crimes on women. It focuses in addition on matters necessary to provide justice to the victims of gender crimes.

While working with NGOs (some based in Rwanda), New York Law School and University of Toronto Law School, the Working Group is concerned with the developments in international criminal law with the creation of two *ad hoc* tribunals, ICTY and ICTR, and more precisely with developments in the field of gender crimes. All projects are assigned by the Coalition. Since the main task of the Coalition is to submit *amicus curae* to the Chambers of the two international tribunals, the McGill Working Group assist by providing research and drafting in order to ensure the adequate indictment and prosecution of crimes committed against women.

Last year, the McGill Working Group was interested with fact-finding reports relating to gender crimes committed in Rwanda, definition of rape and other crimes of sexual violence, and the role of media in inciting gender crimes.

This year, the Coalition proposed to the McGill Working Group to consider comparative analysis of the witness protection before international and national tribunals, while focusing on women that were victims of sexual violence. The question of reparation or compensation for these victims is also to be considered. And finally, we will analyze the success and failures in employment matters in both ICTY and ICTR.

This is a great opportunity for all students to get familiar with developments in international criminal law relating to gender crimes, women's rights in armed conflict and work of the two international tribunals. Those interested to be involved with the activities of the McGill Working Group are invited to contact us:

Vesna Guzina at vesnaguzina@hotmail.com, and
Genevieve Gravel at gravelgenevieve@hotmail.com.

Welcome all.

ON THE ROAD TO THE INTERNATIONAL CRIMINAL COURT 8TH PREPARATORY COMMISSION, NEW YORK CITY, SEPTEMBER 26-OCTOBER 5TH¹

The 8th Preparatory Commission for the ICC was held at the United Nations in order to finalize legal, administrative and logistical details of the future ICC. Despite the cancellation of most UN meetings after the September 11th attacks, the ICC meetings went ahead on schedule. The Independent Student Coalition for the ICC is the only student advocacy group in North America working solely to promote the ICC. I attended the second week of the PrepCom, as part of the first student delegation. The student coalition forms part of the umbrella Coalition for an International Criminal Court, or the CICC. It brings together a broad-based network of over 1000 non-governmental organizations and international law experts from every region of the world to foster awareness and support for the Court.²

DAY 1: New York

I am on the overnight bus to New York City, wondering what Manhattan will now look like, post-September 11th. As I walk along 42nd street at 6am, every person says hello and waves as I pass by. Probably they think I am the first tourist back after the 'attack'. Every single man, woman, child, dog, and lamp post is decked out with a US flag. I arrive at the YMCA and meet the other student delegates – law students from Italy, Portugal, and Belgium, and from Harvard, Georgetown. I am the only Canadian student in our delegation. We are briefed by UNA-USA about what took place in the first week of the conference and are assigned to

our working groups. We are told that everything is coming together faster than was ever anticipated. Lithuania and Nigeria ratified the Rome Statute during Week 1, and the UK is expected to ratify this week. The Court is expected to begin functioning in one to two years, much earlier than was ever predicted possible.

The PrepCom is organized along the following issues: the Relationship Agreement between the ICC and United Nations, Financial Rules and Regulations, and Agreement on Privileges and Immunities, the Rules of Procedure for the Assembly of States Parties, and the Crime of Aggression, as well as the budget for the first year of the Court's operation and the Host State Agreement. I was assigned to the Working Group on Privileges and Immunities.

The Independent Student Coalition for the ICC had four main purposes at the PrepCom. Our first task was to aid in communication of reports made at each strategy session as to what went on in each particular working group during the day. The UN no longer has the capacity to keep a verbatim record of the proceedings at meetings other than at the General Assembly. Thus, records of the notes made by NGO's in working groups are entered into a permanent archive kept by the CICC. These records will aid future historians when they are examining the context and intent of the delegates. As student delegates we also helped the various NGOs in their lobbying efforts. Lastly, the notes taken by ISC-ICC in working groups are made available to country delegations upon request.

After our briefing on Day 1, we head back to the YMCA, where

we are greeted by a hysterical woman in the lobby, who is wearing big black sunglasses and approaches us, whispering: "They are watching us! They have cameras, there are video cameras in our rooms! Watch what you say!" There is definitely a weird vibe in this city.

DAY 2: The Badge Office

After hearing rumours about increased security at the UN, my colleagues and I arrive especially early at the UN badge office. We soon join a large queue of well-heeled diplomats. As student delegates, we are relegated to the last available badges. At 10am, the head of security at the UN reduces the number of badges for NGO delegates from 200 delegates to 120 delegates. At 10:30am there is a bomb scare in the badge office and we are no longer allowed to queue inside. We are told to go for coffee, that we will be called if any badges come through. At 5pm, we get the call and finally, we enter the PrepCom.

Once inside, we are given a quick tour. Room E is the NGO headquarters, including computer systems, messageboards and meeting rooms. That night we attend our first CICC strategy meeting, which occurred nightly and turned out to be the most interesting sessions of the week. The CICC is led by William Pace, (Bill), who is relatively young, charismatic, inclusive and with a good sense of humour. At each strategy meeting, working teams would report on what had occurred in their sessions for the day, any breaking stories or news of ratifications. The previous week Kofi

Anan dropped by to welcome the CICC, but this week we met country delegates from the Asian Bloc, the Arab League, and la Francophonie.

Day 3: Going 'Informal'

The Working Group on Privileges and Immunities meets in the morning. The CICC members sit in the 'bleachers' where we can view the country delegations, listen to the translations, and have full access to the documents. NGOs are not allowed to speak directly to the floor. They do however, manage to get their issues across, albeit working through the country delegations. At various points during the morning, my team leader, international lawyer, Maria Fariello, approaches the Norwegian, French and UK delegations, alerting them to potential flaws in the draft agreement, from the perspective of NGOs. These delegations then raise these issues to the floor. The extent of NGO participation, in this roundabout way, was phenomenal - several times, NGO suggestions were directly adopted. The NGO Coalition was particularly concerned with the extent of immunity, arguing that all employees of the Court should have full immunity. As student delegates, we are the gophers who run between the floor and the bleachers, and take verbatim notes of the proceedings.

The morning session was 'formal'. In the afternoon, we are told by security guards that the Working Group on Privileges and Immunities has gone 'informal'. This means that only country delegations are allowed in; the NGOs are asked to leave. We are told that countries feel 'more at ease' to speak off the record about certain issues. Maria nevertheless assures us that we can continue our monitoring work - in the bathroom and hallways! As country delegates leave the session for coffee or the loo, we quiz them on the activities of the working group. The Canadian delegation was especially helpful, filling in a lot of unknown gaps, and by the end of the day we have a good sense of what changes have occurred.

Day 4: The Mole

Canada continues to play a pivotal role in the ICC process. Upon ratification of the Rome Statute, Canada became the first country to implement the provisions of the treaty into national law. It continues to play a crucial role in advocating for the ICC and launching an extensive international campaign on 13 September, 2000. By contrast, while the previous U.S. government signed the treaty before the deadline, it indicated that the Rome Statute remained 'flawed'; the current US administration is even more opposed to the treaty. In fact, during the week of the PrepCom, Senator Helms introduced the American Servicemembers' Protection Act (ASPA) to the House. On September 25, the Bush Administration Assistant Secretary sent a letter to Senator Helms stating that the administration supports the revised legislation.

Among the key provisions of the ASPA are: No U.S. governmental entity may cooperate with the ICC; No agent of the ICC may conduct any investigative activity in the U.S.; The U.S. will withhold military assistance, including training, from countries that ratify the ICC Treaty; and lastly, what is known as the "Hague Invasion Clause" - The President is authorized to use all means necessary and appropriate to bring about the release from captivity of U.S. or Allied personnel detained or imprisoned against their will by or on behalf of the Court. By tradition, this language includes military force. One of the main concerns of the U.S. military is that military employees would be accountable to the ICC. The Bush administration has argued that such an international jurisdiction is unfair, because the United States military is much more involved than any other nation in world conflicts, and therefore would have much greater liability.

On October 2nd, the ASPA was ruled out of order because of a successful cloture petition. Neverthe-

less, American opposition to the ICC remains strong, not only from the military perspective. The Christian Right has taken a particular interest in preventing U.S. ratification of the ICC. They view U.S. ratification as a loss of sovereignty, and a potential threat to 'American' values. As one law professor from a Mormon University explained to me at the PrepCom: "It is not inconceivable that hate crimes against homosexuals could be considered an act of genocide by the ICC". He also explained that the practice of racial profiling by U.S. police could be problematic under the jurisdiction of the ICC, and for these reasons, he opposed U.S. ratification.

At a dinner for NGOs in a nearby restaurant, a young blonde woman sits beside me and starts asking many questions - which organization was I with, who was the leader among us, and so on. When I ask her about her affiliation, she mentions that she is not with the CICC but is just a friend of a friend, looking for a job. Later, I notice she is recording names on a notepad on her lap. It turns out that she was working for Senator Helms, and was sent 'befriend' us. We ask for her notepad and she promptly leaves.

Day 5: Agreement

The Working Group on Privileges and Immunities comes to an agreement on the Draft Paper on Privileges and Immunities. This is considered an achievement because many of the other working groups do not get through their drafts, in particular the controversial working group on the crime of aggression.

I am fortunate to meet Mr. Benjamin B. Ferencz, former prosecutor at the Nuremberg Trials. Mr. Ferencz is a frail but feisty 75 year old man, who is convinced of the necessity of the ICC, and lobbies for U.S. ratification. I attend the book launching of *The International Criminal Court: Elements of Crimes and Rules of Procedure and Evidence*, edited by Roy S. Lee, who

was a former graduate of McGill Law school. We also meet members of the Paris Bar, who, on December 6 and 7, 2001, are organizing the first conference to establish the future International Criminal Bar for the ICC.

Day 6: Ground Zero

The formal plenary concludes on a positive note. Following the UK's ratification, there are now 42 ratifications out of 60 which are needed to bring into operation the Rome Statute. It is believed that once the 2/3rd mark has been reached, countries will rush to ratify in order to become one of the first 60, Charter states of the ICC.

One of the most common concerns about the ICC is that it will be an another international instrument for the protection of rights which then becomes a political instrument in the hands of developed countries, and would be used to

undermine the sovereignty of small nations. If the Court is perceived from the outset as being composed predominantly of nationals of Western/Northern nations, it will be quickly challenged. In Africa, eight countries have ratified, including among others, South Africa, Ghana, Sierra Leone. In Latin America and the Caribbean, eight countries have also ratified, including Argentina, Costa Rica, Venezuela. Absent, however, are any ratifications from the Middle East.

With my remaining hours in New York, I walk down to 'ground zero'. It is hard to imagine how a court of international justice can be viable in the face of this massive destruction, and even more doubtful given the U.S. military retaliation. Like others, I don't believe that this is a 'war' on Afghanistan, but rather an attack. In my opinion however, this does not preclude the potential of the ICC. Like the Universal Declaration of Human Rights and the 1951

Geneva Convention on the Status of Refugees, the Rome Statute and the ICC may be powerful legal instruments which hopefully one day are bolstered by the political will to fulfill their mandate.

For more information on the ISC-ICC and the CICC:

www.igc.org/icc/, www.isc-icc.org

¹ Thanks to the LSA and the ILS who sponsored my transportation.

² The Steering Committee of the CICC includes, amongst others: Amnesty International, Asociacion pro Derechos Humanos, Federation International des Liges des Droits de l'Homme, Human Rights Watch, Rights and Democracy.

Tales from the Barreau II: The Wrath of Khan

by Al "Ex Presidente" Mendelsohn, Alumnus I

“KHHHAANNNN” - trapped in the Genesis Cave, possibly forever, with a legendary James T. Kirk look of anger on his face, William Shatner shouted the name of his nemesis Khan Noonien Singh (played by Ricardo Montalban aka Mr. Rourke, your host, "Welcome to Fantasy Island" - boy I miss that show. Saturday nights were never better as when you had the Love Boat and Fantasy Island from 9 to 11 on ABC, but I digress). Khan had trapped Kirk there as revenge for the fact that he left him stranded on Ceti Alpha Five some twenty years before. I don't know what I did to

the Barreau twenty years ago, but last week I felt just like Kirk, angry and possibly trapped forever after the Preuve et Procédure exam.

First, the setting. In all, not too bad when I first walked in. A normal conference room at the Barreau. Little tables set up, about a hundred and fifty of them in perfect rows. You are actually assigned a specific table by a number, and you walk around the room for five minutes just trying to find it! At least I found mine, but things were downhill from there.

The problem was that when I say little tables, I mean it. I put my codes on the desk and one book

(closed) and there was no more room! When you write an exam at McGill you have space, even if you're at the narrow desks of 101 or 102, because you have the chair and desk on either side of you. You can spread your stuff around. At the Barreau, no way. I actually put most of my stuff on the floor. And if you think people bring a lot of materials to a McGill Exam, you ain't seen nothin' yet. People actually came to the exam with luggage, pieces big enough for two weeks in Europe. Luckily, my desk had a shelf in it, so I could get some stuff in there. Most of the desks had no shelf, and I swear I couldn't see my friend's faces for

the piles they had on their desk. I couldn't even fit my bottle of water on the desk. Speaking of water, they had made a big deal that you were only allowed water, and it had to be in one of those sports bottles with the thing on top. And no food allowed. I spent three hours the day before the exam worried about having the right water bottle and how to sneak my Kit Kat (my traditional mid-exam snack). As it turns out, I shouldn't have worried. People had cans of Diet Coke everywhere. Not a word was said.

So the exam is supposed to start at 1:00. Everyone is nervous, tense. But there are still people who haven't arrived. We wait. By 1:05 everyone's there. Just give me the exam and let's get the show on the road. No way. Almost twenty minutes of bullshit explanations followed, all of it useless. The whole time, everyone's getting more and more tense, while jokes told by the invigilator fall flat or receive groans. Finally, the invigilator says it's 1:24, you have four hours, *bonne chance*.

Boy I needed that good luck. The exam is torture, not a single easy answer at all. And I was well

prepared. I know because I had done practice exams from previous years and passed. The questions are basically short answer - "yes, art. 294.1 C.C.P." is a typical response. And that's worth five points out of a hundred. And believe me, there's no way to get part marks on a question like that. At McGill, they tell you there is no "right or wrong" answer on an exam. At the Barreau, the opposite is true. You damn well better get the right answer, or it's a big fat zero on that question. A *multiple choice* question was worth five points! We also had to draft a procedure (a motion), and everyone came out of the exam having drafted a different motion! Yikes! And that was worth 45 points! Oh mama, I'm fucked.

Suffice it to say, the post-exam activities were much more pleasant. Bitching about the exam, everyone proceeds to the nearest bar for some much needed liver abuse. But don't get too drunk, because you've got to read 80 pages for the day after next when school starts again for Civil I. Also, the results of the first exam don't come out until *after* the next one. That'll make anyone nuts.

Returning to ABC television of the 1970's and 80's, does anyone remember "Battle of the Network Stars"? Now, *that* was event television. Heather Locklear (then of T.J. Hooker) or Victoria Principal in the dunk booth. Kristy McNichol kicking every other woman's ass in every event. Mr. T, Mr. T and more Mr. T. Jimmy J.J. "Dyn-o-mite" Walker from Good Times chasing down Gabe Kaplan of Welcome Back, Kotter (who always ran in bare feet, no less) on the closing straightaway of the baton relay (the traditional final event in the early years, until it was replaced with the even more epic tug-of-war), to see if CBS could finally beat ABC this year. But Gabe was too strong. And then you couldn't wait for next year when they would do it all over again. Life was simpler then, wasn't it?

P.S. More information about the Barreau, Star Trek or Battle of the Network Stars can always be found by e-mailing me at [«mailto:almendelsohn@hotmail.com.»](mailto:almendelsohn@hotmail.com) almendelsohn@hotmail.com.

The Annie Macdonald Langstaff 2001-2002 Workshop Series presents:

THE HIDDEN GENDER OF INTERNATIONAL LAW

Professor Hilary Charlesworth
Director, Centre of International and Public Law, Australian National University
Manley Hudson Visiting Professor, Harvard Law School

Professor Charlesworth is a globally recognized expert on international law, particularly as it intersects with human rights law and feminist legal theory. This talk elaborates upon a paper on the silences of human rights law published this summer, where she suggests the silences in international rights documents are as significant as the commitments, effectively excluding a number of marginalized groups, including women, the disabled, and minority indigenous persons.

Friday, November 9, 2001 @ 3 pm. in the Atrium

Presented by the McGill Faculty of Law in association with Women & the Law/Femmes & Droit and the Institute of Comparative Law

Named in honour of the first woman law graduate at McGill (1914), who was denied the right to practice in Quebec because of her gender, the Annie Macdonald Langstaff workshops provide a forum for scholarly research and practical insights on social justice issues.

Response to the LSA email concerning Second-Year Applicants to NY firms

by J. Lussier, Law II

This is the forwarded version of a response to the LSA email concerning second-year applicants to NY firms.

Hello Marta (Juzwiak)-

This email is not directed at you but at the people who collectively signed "LSA executive committee" in the last notice board message, concerning students who supposedly lied to get NY jobs. I thought your title of VP Academic made you a good person to reply to; you may forward this message to all concerned individuals. In any case, you should not feel personally attacked.

I simply want to point out that the current witch-hunt is absurd and in most cases unfounded. Surely the U. of T. scandal should make law students careful about what they tell potential employers, but it shouldn't turn this school into an ultra-suspicious, back-stabbing environment where unverified rumors generate

accusations of dishonesty.

The fact is that most, if not all, second-year students who indicated they would graduate in 2003 did so in perfectly good faith. They either thought it didn't matter to the firms if they graduated in three years and a half or genuinely believed they would be done by May 2003. Upon hearing of the potential problem for employers (and the ensuing loss of credibility for McGill) all of them quickly figured out concrete ways of graduating within three years and thus honor their word. This actually became a *sine qua non* condition to get interviews. So here's the bottom line: the situation decryd by the notice board propaganda does not exist. No one's reputation will be tarnished.

Also, to set the record straight, it IS possible to graduate in three years even without having taken summer classes during the first summer. That is what I intend to do, and I am not alone. Many arrangements are possible: I even made a list of solutions I sent to Clifford Chance,

which the firm accepted without reservation. It is absurd, and highly annoying, to have to justify yourself to fellow students once employers have themselves been satisfied.

In fact, the real harm to the faculty does not come from students who claim to be able to graduate in three years, but from those who - for some reason - want to systematically discredit all second-year applicants on technical grounds, all the while hiding behind grand principles of professional ethics and personal integrity. The interviews of many perfectly eligible second-year students were totally ruined by the climate of mistrust generated by these false accusations. (One interviewer said he'd been "tipped off" by a current student and proceeded to attack all second-year interviewees.) That constitutes real harm.

While I can understand how the frustration of some might be publicly expressed in Quid articles, I expected the LSA to stay away from such hypocritical bullshit.

Yet, another WIN by *Chico Resch* for *Pino&Matteo*

by . . . who writes these things anyway. . . and doesn't he have anything better to do than submit twice?

There's two good reasons why the Calder Trophy is likely to land in the hands of Adam (McKenny) Zanna. First, he's a bruising defenseman, who knows he's not a forward (this is

actually more important that one might think); and secondly he leads the team with 11 points in four games. Not bad at all for a guy roaming the blue line; although it has to be mentioned that when he goes on the rush he steady partner Greg

(Glenny) Rickford knows his role and hangs back to clear out the trash. It's these types of players, like Glenny, who don't show up on the score sheet but are vital to any teams success. Oh yea, Adam was for the second game in a row picked the games first star

notching 2 goals and 2 assists and was a team leading +3 on the night.

The second star went to Greg (Nilan) Webber as he played a hard game and is very effective in our own zone, which is so important when he's the centreman. Greg picked up a goal, two assists and was +2 on the night. The third star was given to Antoine (McPhee) Legendre – who last year led the team in goals but has yet to find the net with the same consistency this season. He's got a great shot - he just has to use it more often. Nevertheless, his playmaking skill shouldn't be underrated as he picked up a pair of assists and was a +2 on the night. It should also be mentioned that he almost put someone in the hospital the other night...yes McPhee felt bad...but two shifts after serving his penalty he went right back into the box. He's was mighty feisty, one might say.

ICE CHIPS:

Other goal scores were John (Nylund) Goudy, Sandy and me (Cam a.k.a. Smyl). Only four games into the season and it is now clear that Sandy (Ludwig) Khehra will be unbeatable in the penalty department (sorry Dixter) as he raked up 14 mins. last game and just might receive a game suspension because an opposing player fell into Sandy's closed fist with his head. Go figure.

Steve (Pang) Panunto also played his best game of the year. His lateral movement definitely improved and if this team is to go deep we will need such solid performances nightly as Chico (even though on a two game winning streak) still has momentarily lapses of "duhhhh – what do I do? – what do I do?", which result in quality chances by the opposing team.

Oh yea, if the zebras at the

game knew the rulebook – this game would have been a default as we were assessed too many penalty minutes in a game and should have been disqualified. Too bad – we'll take the (literally) well-fought two points. Oh....yea...I know the quid has been on hold so Law hockey fans didn't know when the game was, hence zero fans for Law and about a twelve for the losers on the night. Come on out! *Chico Resch* sponsored by *Pino&Matteo* needs your support – next game is Beavers (1-3) vs. *Chico Resch* (2-2) Tuesday, November 6th, at 11:30pm.

quid_novi@hotmail.com
quid_novi@hotmail.com
quid_novi@hotmail.com
quid_novi@hotmail.com

Chess Corner

by Pablo E. Bustos Law III

Debate remains over the origins of chess. Most books I've read, including my Encyclopaedia Britannica and the booklet that came with my Chessmaster 5000, hold that the game originated in India, with the pieces we know see being the traditional parts of the Indian army, namely the elephant (now the bishop), horses (knights), foot soldiers (pawns), and chariots (rooks). However, some scholars claim that the game did not originate in India.¹

The game was definitely known to the early Islamic world, since some hadiths forbid it,² and the Moors seem to be the ones that introduced it to Europe around 800 A.D., after they conquered Spain.³

Some scholars also believe that the early Jewish Talmud mentioned chess.⁴

Regardless of its origins, chess is now popular throughout the world, although some parts of the world seem to be more proficient in playing chess than others. Russia is the country with the most FIDE champions.

I hope you will enjoy this week's puzzle; I made it myself.

* * * * *

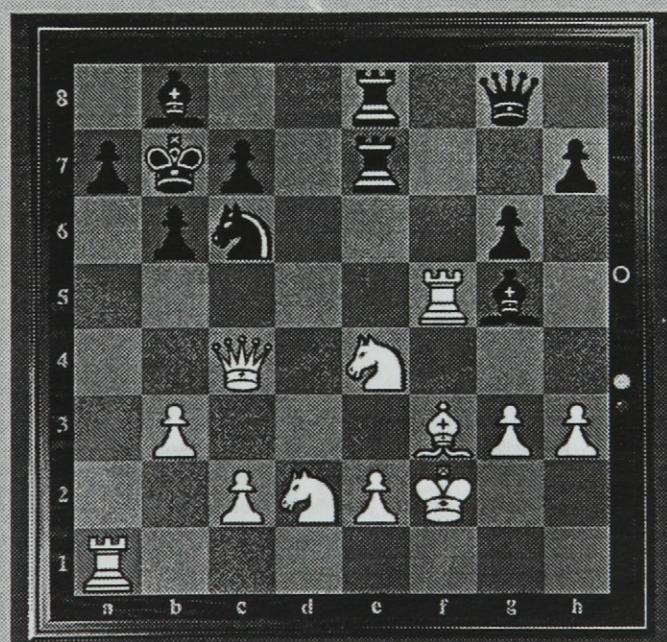
White to play and mate in two moves.

¹ See Caistor, Kenneth Whyld, *The Birthplace of Chess – Some Reflections*, 1996, online at <http://www.netcologne.de/~nc-jostenge/whyld.htm> (date accessed : October 21, 2001). See also Sloan, Sam, *The Origin of Chess*, 1985, online at <http://www.samsloan.com/origin.htm> (date accessed : October 21, 2001).

² For more information on some of these anti-chess decrees, see *Hadith*, online at <http://www.hraic.org/hadith.html> (date accessed : October 21, 2001).

³ See *Chess History Timeline*, online at <http://misc.traveller.com/chess/history/> (date accessed : October 21, 2001).

⁴ See Keats, Victor, *Is Chess Mentioned in the Talmud?*, 1993, online at <http://www.netcologne.de/~nc-jostenge/keats.htm> (date accessed : October 21, 2001).



Solution on page 24

Targeting Error

Marc-Étienne Sicard, Nat IV

In response to Rebecca Hare's article about the bombings in Afghanistan, I would like, first and foremost, to make my mea culpa. I, like most of the Western world, have been most complacent about an unacceptable situation, a tragedy that struck the Afghan women a most terrible blow. I, however, am not talking about the US and allied bombing, but the ten years of fundamentalist dictatorship of the Taliban over Afghanistan.

In her article, Ms. Hare uses gang rape as a metaphor for the imposition of the Western Powers' will on Third World countries, particularly innocent populace, by force if the need be. In certain circumstances, I would tend to agree with Ms. Hare. For example, I do think that the US embargo over Irak is counterproductive, making the people of Irak suffer while strengthening their dictatorial ruler's position. However, when it comes to the situation in Afghanistan, I must respectfully, but most strongly, disagree.

For ten years, the women in Afghanistan have been, metaphorically but also in some cases literally, gang raped by the Taliban. They have been stripped of their rights, includ-

This is the first, and maybe the last, ray of hope for the Afghan people, and especially the Afghan women.

ing education and the right to show their faces in public. They are forcefully maintained in a state of misery and despair. And for ten years, the Free world's leaders, who have been the ones arming the Taliban in the first place, have stood there with that "sick little smile on (their) face," bothering only to issue protests when inestimable pieces of ART were desecrated!

To future generations the great shame of the "Free world" will always be that before we went to the aid of the Afghan people, we had to

be threatened ourselves by the fundamentalists, or else we may have never intervened. But now that our leaders have finally reacted, according, I may add, to the overwhelming wishes of their population, we may finally see the Taliban may be held accountable for their actions against their, and our, people; just like our governments will be if they overstep the mandate we have given them.

Yes, by confronting the "gang rapists", we stand the risk that their victim could be hurt in the scuffle. In fact, we, too, could be hurt. It's undeniable that a number of innocent civilians will suffer from this war, though comparatively many less than in wars of a few decades ago. But this is the first, and maybe the last, ray of hope for the Afghan people, and especially the Afghan women. We now have a duty to them to see this task to the end, and to ensure that once the "gang rapists" are gone, no others will take their place, so that finally, the Afghan people may stand tall once more.

A *Jüdenrein* Palestine?

The events and aftermath of Sept 11th are no doubt a matter of enormous controversy within this faculty, not to mention the entire world community. Yes, I have strong views on the matter, but I believe they've been adequately articulated by my colleagues, Messrs. Jonathan Amiel, Joe Mik, Elan Roiz

and Jeremy Waiser. I see no point in repeating these views for which I wholeheartedly agree.

However, I feel compelled to do my part and express my extreme dismay in terms of the horrendous factual inaccuracies fabricated by my colleague Ms. Yasmine Hadjoudj.

Notwithstanding all this, I'd like to narrow the focus of my article

to one particular issue. The issue I'd like to address is the controversial nature of the Jewish settlements in the occupied Palestinian territory.

To-date, (with the possible exception of East Jerusalem) the State of Israel has not annexed any Palestinian territory, meaning, of course, they have not been declared to be 'part of Israel'. Call them what

you may, but these are clearly not territories forming part of Israel proper.

What I'm basically concerned with is the controversy over whether Jews (Israeli or not) should have the right to establish homes and communities for themselves within these disputed territories.

Simply put, Jewish settlements (and I emphasize the word 'Jewish', not necessarily 'Israeli') are condemned as being an incursion upon the national rights to a homeland for Arab-Palestinians.

We all (or at least I) hope and pray that one day Israel and an independent, democratic and peace-loving Palestinian State will establish a strong bond of friendship as well as mutually beneficial economic relations.

But for the time being, let's examine popular attitudes: Why are Jews condemned for establishing Jewish communities within a pro-

spective Palestinian State? Certainly Israel imposes no restraints upon Arab-Israelis in terms of forming and belonging to Arab communities within Israel.

It's actually shameful that so few are aware of the obvious fact that all Israelis (including of course Arab-Israelis) enjoy every civil liberty and benefit of citizenship as do Jews, including, no less, the right to vote, serve in the Knesset, and, indeed, the cabinet; that's how democracy works.

Once a Palestinian State is established, will Jews in such a state not enjoy the same basic civil rights as do Arab-Israelis? Will Jewish-Palestinians enjoy the right to vote and participate in a prospective Palestinian legislature? Will Jews even be allowed to visit those particular sacred Jewish sites that happen to be within Palestinian territory, just as Muslims are welcome to visit sacred Islamic sites within Israel? Indeed, will Jews be

barred entirely from Palestinian residency and/or citizenship?

For those who would rationalize the denial of such civil rights based upon the proposition that there is no such thing as a Jewish-Palestinian and that Jews should confine themselves to Israel, recall Art. 20 of the Palestinian National Covenant: "...Judaism, being a religion, is not an independent nationality. Nor do Jews constitute a single nation with an identity of its own; they are citizens of the states to which they belong..." Will the Palestinian State be one such state?

Unfortunately, popular attitude would seem to indicate that within a prospective Palestinian State, Jews would no doubt be *Personae non gratae*. All of the above would seem to beg the question: Will Palestine be *Jüdenrein*?

Deconstructing "The Discourse and Lexicon of Occupation": A Refutation of Flatulent Claptrap

by Alain Murad, Nat.IV

I hesitated before replying to Yasmine Hadjoudj's article, thinking that there was no need in further discussing irreconcilable positions. I noted though, that it was easier for her to interpret my words as questioning the legitimacy of a Palestinian state as a means of achieving a lasting peace, rather than as an elucidation of why the means adopted by the Palestinian Authority and Arab populations in general, both historically and presently, will not only impede the establishment of a Palestinian state, but will only succeed in perpetuating the misery and sufferings of both Israelis and Palestinians.

So let us begin. Ms. Hadjoudj first questions "the distorted version of facts and history which character-

ize the Israeli official position" and for that matter, my own. She focuses first on the Israeli seizure of Judea, Samaria and East Jerusalem from Jordan during the 1967, Six-Day War, and turns it into some sort of semantic debate about the "discourse and lexicon" which I used to describe these territories, implying that my choice of words is part of some scheme to delegitimize the Palestinian position. Spare me the pseudo-scholarship. Call them what you will, "occupied" or "disputed", "settlements" or "neighborhoods", it does not change the incontrovertible fact that Israel acquired these lands defending itself against Arab aggression. If seizing territory in a war of defence to save your own skin does not constitute being "forced there" then pray tell, what does? I, for one,

found her reference to the "international community" particularly unconvincing. If this is the same international community that almost unanimously voted Syria onto its non-permanent, security council seat at the United Nations, and Sudan and Libya onto the UN's Human Rights Tribunal, then I have grave reservations about its impartiality, if not its sanity. But irrespective, should Israel give back those territories and end the "occupation"? The answer, in my opinion, is "yes". Absolutely. But only in exchange for a lasting peace and a chance to live like a normal nation, accepted by its neighbors. Not as part of some failed moral experiment and as a series of incremental steps meant to dismantle the State under the threat of more violence if intractable Palestinian

demands are not met. But more on this later.

Ms. Hadjoudj also has reservations about the offer tendered by then Israeli Prime Minister Ehud Barak to PLO Chairman Yasser Arafat at Camp David. I noticed, with amusement, that one of the reasons she mentioned why Palestinians did not accept the offer, was Israel's refusal to budge on the issue of the Palestinian "right of return". If there is one issue that unites the entire Israeli political spectrum (and I assure you, this is no simple task), from dovish left to hawkish right, it is this. Simply put, the Palestinian "right of return" is as transparent and conspicuous a euphemism for the destruction of the State of Israel as you are ever going to get. Insistence on this issue, as a precondition to peace, lays bare whatever ostensible overtures Palestinians may make to the Western World about their desires for coexistence and exposes them for what they are, mere puffs. On May 14th 1948, the first night after the establishment of the State of Israel, the armies of Iraq, Jordan, Egypt and Syria collectively attacked. In the ensuing battles, an estimated 600 000 Arab refugees were encouraged to leave Israel at the behest of Arab leaders who promised to purge the land of Jews. Unlike the similar number of Jewish refugees who were forced to flee Arab lands, many of whom were subsequently absorbed into Israel, these were left festering in refugee camps and intentionally not absorbed or integrated into the Arab lands to which they fled. They now number in the millions. For a country the size of New Jersey, to absorb a number of refugees equal to its own population, who harbor the deepest enmity towards it and its Jewish inhabitants, is tantamount to national suicide. Why do countries all over the world control immigration? Because as much as many countries may be a melting pot of races and cultures, they have a certain makeup, a comfortable balance. Flooding Israel with millions of Arab

refugees would destroy the Jewish character of the State and consequently its reason for being. Never mind the fact that it would be inundating itself with many individuals who harbor the same sorts of beliefs towards Israel and Jews as some of the most radical terrorist groups. As Sari Nusseibeh, the P.A.'s representative in East Jerusalem, stated in the October 17th issue of the New York Times, "The Palestinians have to realize that if we are to reach agreement on two states, then those two states will have to be one for the Israelis and one for the Palestinians, not one for the Palestinians and the other also for the Palestinians". You may get Israelis to compromise on Gaza, the West Bank, the Golan Heights and even their holiest site, Jerusalem (which they did), but never on this issue. Forget the right of return. Ain't never gonna happen. As for the rest of the offer, it was far better than the Palestinian people had ever received, certainly more so than from their own Arab brethren. Do you remember the consequences of "Black September", Arafat's failed attempt to seize power from Jordan's King Hussein in 1970, where an estimated 3000 Palestinians were killed by Jordanians?

Ms. Hadjoudj then offers us an interesting example of Orwellian double-speak, by referring to my comments concerning how Palestinians are educating their new generations to demonize Jews, and then equates this fact with the "phenomenon of 'dehumanization' of Palestinians". I fail to discern the logical nexus between the "dehumanization of Palestinians" and the dehumanization of Jews in Palestinian schoolbooks that are rife with anti-Semitic stereotypes, Holocaust denial and the negation of Jewish religious, historical and political roots to the land. What are we supposed to think when, on CNN, we see children toting machine guns at Hamas rallies, and mothers praising their children for being *Shahids*? That Palestinians are preparing their kids for peaceful

coexistence? As Fouad Ajami, Arab scholar and professor *emeritus* at the Johns Hopkins School of Advanced International Studies stated, "something has gone terribly wrong in the Arab world where young men strap themselves with explosives, only to be hailed as 'martyrs' and avengers". My point was, that without laying the educational foundations for tolerance, any efforts to bring peace to the region, however well-intentioned, are doomed to fail.

There was also Ms. Hadjoudj's exhortation that the occupation is the "origin of insecurity, and that an end to it would be the start of a peace process". I wish this were true, I truly do. And this brings me back to my earlier point. If giving back Gaza and the West Bank and even part of Jerusalem would bring peace to Israel and the Jewish people I, for one, would give it with open hands. (Not because I believe that Jews do not have a right to the land. But because the logistical reality on the ground dictates otherwise.) But I reject this assertion entirely. I believe it to be inherently false. I believe it to be false because fundamentally, the Arab view on Israel and Jews has not changed. Like that old Augustinian proviso, "Jews may survive but never thrive", Jews in the Arab world are only tolerated so long as they are scattered and weak. The blockade of Ramallah did not spawn terror. Terror spawned the blockade. The dire economic straits of Palestinians did not inspire Ramallah residents to hate Israel. It was incidental. They were already inspired *a priori*. That much is at least evident given the history of the region, and Arab efforts to destroy Israel long before there was any occupation. Tell me Ms. Hadjoudj, what comes after Israel gives back Gaza, the West Bank and East-Jerusalem? Are we all going to sit around and sing "Kumbaya"? Or were the Oslo Accords, as the late Palestinian legislator Faisal Husseini said, simply a "Trojan Horse"?

What would have been particularly humorous, if not so tragic, was Ms. Hadjoudj's reference to the current state of "occupation" as "normal", "quiet", and "safe". There is little normal, quiet or safe about life in Israel. It is a country besieged on all fronts. Since the Oslo Accords in September 1993 more than 450 Israelis have been killed in shootings, suicide bombings and mortar attacks, half of whom have been women and children (not soldiers), with thousands more injured. Israelis cannot even congregate in public places anymore for fear of falling victim to the next terrorist attack. However, I

do share Ms. Hadjoudj's view that "security is the outcome of a just peace and a just peace can only be achieved on the basis of equality of rights". Indeed I also believe that it is in Israel's best interests to help the Palestinians. G-d, it seems, has destined us to live together on the same tiny plot of land, and as Jews, we cannot and would not, subject the Arab population in our midst to the same treatment that we received at their hands, and forcibly remove them from the land. That being said, Palestinians must want to help themselves. That means accepting that Palestinian dreams of statehood

will not be realized at the expense of the existence of Israel. Palestinians want a state? Stop blowing up our kids. Stop teaching your people that Jews have no ties or rights to the land. Stop fermenting hate in your media. Stop venerating suicide bombers. Reign in your extremists. Accept the fact that Israel is not an experiment and is here to stay. Don't insist on untenable preconditions. And then you'll get a state. Who knows? Maybe one day, our kids will even sing "Kumbaya" together.

Alain's Rant Regarding Fatuous Nonsense

by Alain Murad, Nat. IV

I have noted with extreme dismay the pervading attitudes and opinions of some students in this faculty who, under the guise of "progressive critical thought" and the espousment of human rights as a moral absolute, seek to impugn the moral rectitude and virtue of America's efforts to uproot terrorism in Afghanistan. It would seem that these individuals would prefer to remain acquiescent and submissive in the face of the most egregious and heinous violation of human rights that most of us have ever witnessed, and one of the gravest threats to our personal freedoms. To these individuals I say this: Whomsoever does not, in unequivocal terms, bereft of self-effacing and apologetic rationalizations, condemn what transpired on the 11th of September, justifies it. This is not an intellectual

exercise in cultural relativism, or a polemic on the faults and merits of American foreign policy. This is the single most murderous, barbarous and licentious attack on democracy and individual liberties, in the history of the Republic. It should be treated as such, and not turned into a self-flagellating malediction or a pious invective against American efforts to eliminate this absolute evil in our midst. America's efforts on behalf of the free world should not be debased by being drawn into absurd and absolutely ludicrous comparisons with gang-rape or colonialism. Analogies such as these are emblematic of the inane and senseless drivel, and unbounded liberalism, that have gripped our psyches and obfuscated the distinction between victim and aggressor, while eroding our feelings in the justness of our cause. It is sad and

pathetic, misguided and deluded, to use these tragic events as a point from which to embark upon a philosophical odyssey of self-discovery in order to ascertain "where we went wrong". WE DID NOT go wrong. THEY went wrong. The "great evil" facing our society is NOT "us" or our "complacency". It IS Bin Laden and his abominable terrorist ilk, who have seen their own lives degenerate into a blazing panorama of failed ambitions and agonizing impotence, and whose witnessing of the free world's success and enlightenment, has made the abject misery of their own lives that much more palpable. True, killing Bin Laden will not get rid of terrorism. But it will however get rid of Bin Laden. And that sure as hell beats serving him a subpoena.

Career and Placement Office

NEWSLETTER, NOVEMBER 1, 2001

Hello everyone,

TABLE OF CONTENTS

- 1) CLERKSHIPS INFORMATION SESSION – don't miss it
- 2) EAST/WEST RECRUITMENT PROCESS – Reminder!
- 3) ENVIRONMENTAL LAW
- 4) ARTICLING and SECOND-YEAR SUMMER POSITIONS in BC

1) CLERKSHIPS INFORMATION SESSION

Date: November 7, 12:30 to 2 pm, room 200. We will have guest speakers from several courts! The list of deadlines will be handed out at that time.

2) EAST/WEST RECRUITMENT PROCESS : Reminder!

INTERVIEWS IN TORONTO ON NOVEMBER 15th & 16th

It is within each firm's discretion as to when they wish to contact students to schedule interviews. Selected candidates will be invited to go to Toronto for the interview. Firms will interview off-site at affiliate offices in Toronto or at a downtown hotel. There will be a reception at the Toronto Faculty of Law on Thursday night, November 15th for students selected for interviews in order to meet representatives of the firm(s).

***IMPORTANT: Selected candidates HAVE TO INFORM THE

PLACEMENT OFFICE in order to have their name-tag ready.

3) ENVIRONMENTAL LAW

I would like to share 3 good leads with you:

- a) The Environmental Law and Policy Center (ELPC)
35 East Wacker Drive, Suite 1300
Chicago, IL 60601
www.elpc.org
Contact: John Moore, Staff Attorney

The advantage of the ELPC is that they provide some funding... one of the very few.

- b) The World Conservation Union - Environmental Law Centre (IUCN-ELC)
Godesberger Allee 108-112
D-53175 Bonn, Germany
www.iucn.org
Contact: Charles Di Leva, Director

- c) The Center for International Environmental Law - Geneva (CIEL)
B.P. 21, 160A Route de Florissant
CH-1231 Conches
Geneva, Switzerland
www.ciel.org
Contact: Matthew Stilwell, Managing Attorney

As a suggestion, I would strongly recommend that interested students apply early, particularly with regard to the ELPC in Chicago. Interviews may take place as early as December.

4) ARTICLING and SECOND-YEAR SUMMER POSITIONS in BC

CLCDN/Quicklaw Survey: Harper Grey Easton (www.hgelaw.com); BC Gas Utility (www.bcgas.com); Farris, Vaughan, Wills & Murphy

(www.farris.com); Koffman Kalef, Business Lawyers (dwl@kkbl.com); Arvay Finlay, Barristers (www.arvayfinlay.com) are all looking for summer 2002 students and/or articling students for 2003/2004. Please check the boards and the web sites.

Should you require more information, please contact the Career Placement Office by e-mail: st-laurent@falaw.lan.mcgill.ca / placement@lsa.lan.mcgill.ca or by telephone: (514) 398-6618 / 398-6159

FOR MORE INFORMATION, PLEASE CONSULT THE BOARDS

Brigitte St-Laurent

Chess Solution

The solution to last weeks puzzle was - the bishop on F2 moves to G3. Black makes any move. White mates accordingly.

The solution to this weeks puzzle is - the knight on E4 moving to D6. Then, 1) if the pawn on C7 takes the knight on D6, the Queen on C4 takes the knight on C6; 2) if the black king moves into the A8 corner, either the bishop on F3, or the Queen on C4, takes the knight on C6.